

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 14-26 are pending and have been rejected.

Claims 14 and 23 have been amended in this submission. The amendments to the claims add no new matter.

Claim 25 has been canceled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in this claim to file divisional and/or continuation patent applications.

The Telephone Interview

Applicants thank Examiner Eric D. Blatt for the telephone interview with Applicants' Representatives Morey Wildes, Reg. No. 36,968, Joel Stein and Tami Ben Ari on January 20, 2010. In the interview, claim 14 and the cited reference Yassour et al. (U.S. Patent No. 6,348,063) were discussed. The Examiner has indicated that a structural limitation should be added to the claim in order to overcome the cited reference. Agreement was not reached in the interview.

Amended claim 14 as appears in this paper above was not discussed in the interview.

Claim Objections

In the Office Action, the Examiner objected to claim 14 because of alleged informalities. Claim 14 has been amended in order to cure these informalities. Accordingly, Applicants request withdrawal of the objection.

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CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 23 and 25 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 25 has been canceled without prejudice or disclaimer, thus rendering the rejection of this claim moot.

Claim 23 has been amended to overcome the antecedent basis deficiencies noted by the Examiner. Applicants respectfully assert that this amendment renders claim 23 proper under 35 U.S.C. § 112 and request that the rejection be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 14-26 under 35 U.S.C. § 102(b), as being anticipated by Yassour et al. (US Patent No. 6,348,063), hereinafter referred to as the Yassour reference. Applicants respectfully traverse this rejection in view of the remarks that follow.

Claim 25 has been canceled without prejudice or disclaimer, thus rendering the rejection of this claim moot.

Independent claim 14 has been amended to recite that the implant device comprises:

an anchoring section at a first end of said implant device, said anchoring section being of an expansible tubular construction and being suitable for implantation in a blood vessel, for firmly anchoring the implant device in said branch blood vessel; and

a diverter section at a second end of said implant device, said diverter section being integrally formed with said anchoring section and having a free end to project into said aortic arch at the upstream side of said branch blood vessel, wherein said diverter section decreases in width towards its free end when the anchoring section is anchored in the branch blood vessel.

The Yassour reference discloses a deflecting device 20 which is anchored in common carotid artery 38 and also in the external carotid artery 42, with the deflecting member 24 extending across inlet 54 of the internal carotid artery 40, preventing embolic material from entering the ICA 40, as shown in Fig. 2C of the Yassour reference, reproduced below.

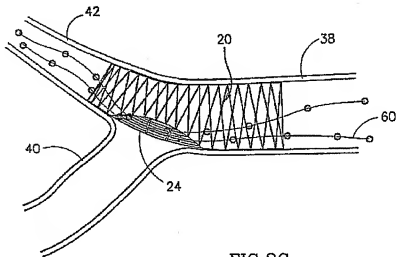


FIG.2C

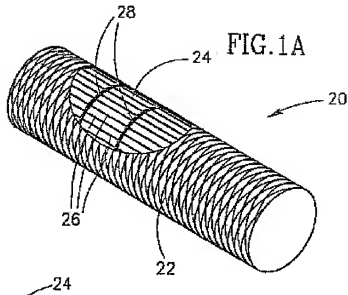
More specifically, the Yassour reference discloses:

A deflecting portion 24 is constructed by a plurality of fine wires 26, parallelly extending along the longitudinal axis of the device and supported by two support wires 28. The deflecting portion 24 is integral with or attached to the anchoring portion 22.

The size and shape of the deflecting member is adjusted to match the inlet of the internal carotid artery as will be further explained hereinafter.

The embodiment of FIG. 1B is similar to that of FIG. 1A. However, the deflecting device 21, which is essentially cylindrical, comprises a deflecting portion 25 which is not limited to a part of the circumference of the device, as is the deflecting portion 24 of FIG. 1A, but rather covers the whole circumference of the device. (column 5, lines 25-39)

As shown, for example in Fig. 1A of the Yassour reference, reproduced below, the deflecting member 24 is a portion of the cylindrical shell. The deflecting member 24 is integral with the cylindrical anchoring portion 22 and continues the cylindrical shape.

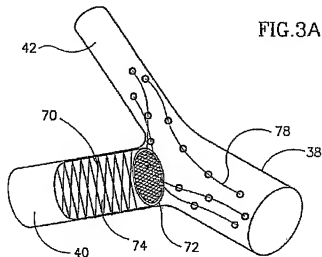


Therefore, in the embodiment referred to by the Examiner, Yassour does not teach a diverter section at a second end of said implant device being integrally formed with the anchoring section and having a free end to project into said aortic arch at the upstream side of said branch blood vessel, wherein said diverter section decreases in width towards its free end when the anchoring section is anchored in the branch blood vessel.

In other embodiments disclosed by the Yassour reference, such as the embodiment of Fig.5, the size and shape of the anchoring member 90 is different than the shape of anchoring portion 22 of Fig. 1A. However, the shape of the deflecting member 98 is still at least quasi-cylindrical, if not cylindrical. In fact, and more importantly, the deflecting member 98 is still a portion of the shell, and the deflecting member 98 does not have a free end, as required in amended independent claim 14. As explicitly disclosed by the Yassour reference, the deflecting member 98 “extends across the inlet 54” and “has its anchoring portion 90... with a minor portion 94 bearing against a wall of the external carotid artery 42” (column 7, lines 38-50).

Similarly, in another embodiment disclosed by the Yassour reference, shown in Fig 3A reproduced below, the deflecting device, generally indicated by numeral 70, is anchored

within the internal carotid artery 40 with the deflecting member 72 facing downstream at the base of the substantially cylindrical deflecting member 70.



Therefore, the Yassour reference does not teach or suggest, in any of its disclosed embodiments, “a diverter section at a second end of said implant device being integrally formed with said anchoring section and having a free end to project into said aortic arch at the upstream side of said branch blood vessel, wherein said diverter section decreases in width towards its free end when the anchoring section is anchored in the branch blood vessel”, as recited in amended independent claim 14. Therefore, the Yassour reference cannot anticipate independent claim 14 and, accordingly, independent claim 14 is allowable.

Claims 15-24 and 26 depend from amended independent claim 14 and therefore include all the limitations of this claim. At least for this reason, dependent claims 15-24 and 26 are also allowable.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to claims 14-24 and 26 under 35 U.S.C. § 102(b).

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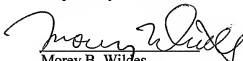
Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


Morey B. Wildes
Attorney/Agent for Applicant(s)
Registration No. 36,968

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Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801